

**FRANK  
ALIBI  
UPHELD  
BY**

# **ROSSER IN CLOSING**

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**Declares Negro's  
Testimony Im-  
peached by  
State's Own**

**Witness.**

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Leo M. Frank's alibi on the day Mary Phagan was murdered was reserved as the crowning point of his argument for a new trial by Luther Z. Rosser Wednesday afternoon. The Frank attorney contended that the alibi, which he represented as iron-clad, was an added and clinching reason for another trial for the convicted man.

Rosser closed his argument shortly before 5 o'clock and the case went over to Judge Roan for his decision.

The alibi, Mr. Rosser asserted, was given its final touch of stability by one of the State's own witnesses. He recalled to the court that Conley had testified that he and Frank had begun the disposal of the little girl's body at 12:56 o'clock and had finished at 1:30. If this statement was found false, and it was established that Frank was not there during that time, the lawyer said, Conley's whole story fell to the ground.

The first prop knocked from under Conley's testimony, recording to Rosser, was by Miss Helen Kern, who declared that she saw Frank at Whitehall and Alabama streets at 1:10 o'clock the afternoon of the murder. The other props were knocked out, he said, by Mrs. Jacob Levy and by Frank's own relatives who declared that the superintendent arrived home at 1:20.

"As if this were not sufficient," said Rosser, "Albert McKnight, the State's witness, swore that he saw Frank home at 1:30, exactly at the moment Conley swore he departed from the factory leaving Frank inside."

Rosser declared the allegations of perversion against Frank, and they alone, had tried and convicted the man.

"You might as well have put the brand of Cain upon his forehead as to have introduced that revolting and maliciously false testimony," he shouted at Solicitor Dorsey. "You destroyed his life the instant you brought that in. There is no doubt about that."

“Degeneracy is the matrix of all crimes. Once establish that and there comes out a troupe of other crimes. Once put in the minds of a jury the belief that a person is a degenerate and they will be willing to believe that he is guilty of murder or any other crime in the calendar, even though they had not introduced a scintilla of evidence against him.”

“No stranger phenomenon ever oc-

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## **PDF PAGE 6, COLUMN 1**

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# **ROSSER, DENYING SLUSH**

# **FUND, DECLARES FRANK’S**

# **CASE COST HIM MONEY**

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**Continued From Page 1.**

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curred in the realm of metaphysics than the one which took place down there in that courtroom when that dirty monster, Conley, poured forth his filthy tale of perversion. There was left in the minds of the jurors no room for any thought that Frank might be innocent of murder charged against him. It damned him instantly.

It destroyed his every chance of a fair trial and the shadow of the gallows fell at once in that courtroom.”

“The law says that a man shall be tried only on the crime with which he is formally charged. No evidence of another crime wholly independent and disassociated from the crime with which he was being tried can be brought into court. Yet this was done in Frank’s case. It was inadmissible and it should have been ruled out. Because it was not, we are entitled to a new trial.”

In the course of his attack on Dorsey’s methods, Rosser made these charges:

### **Scores Dorsey’s Methods.**

He represented the Solicitor’s insinuations of perjury against Miss Helen Kern, on the defense’s witnesses, as the dirtiest and most contemptible piece of work he ever had encountered.

He charged that the Solicitor and the detectives either had locked up persons until they told the story the State wanted or else they branded them as perjurers on the stand.

He pictured Solicitor Dorsey as cringing, bowing and scraping to the mobs that howled for the blood of Frank.

### **Scoffs Slush Fund.**

He told the court that Dorsey poisoned and corrupted the minds of the jurors by unfounded insinuations, by extorted affidavits, by statements for which there was not a shadow of warrant in the evidence and by holding the fear of the mob before their eyes.

He characterized the imprisonment of Minola McKnight until she told the story the detectives wanted as the most outrageous violation of law on the part of the officers of the law that he ever had witnessed, and asserted that Detective John Starnes himself would have been locked up for his participation in the incident.

He described the Solicitor as reeking with unfounded suspicion and malevolence against Frank throughout the investigation.

He described the insinuations of Dorsey that there had been a “slush fund” for the defense of Frank as a miserable, pitiable and utterly unwarranted falsehood, the fact being that both he and Attorney Arnold were poorer to-day for having ever heard of the Frank case.

He alleged that the Solicitor had moved the jurors by vilification of Frank, vilification of Frank’s mother and his wife, and by branding everyone as dishonest and a perjurer except the witnesses for the State.

He said that Dorsey was “daffy,” or that his “intelligence was sleeping,” if he was sincere in his declaration to the court that Frank had no defense, and that there was not a ground for a new trial.

He picked out what he regarded as the vulnerable points in the depositions of A. H. Henslee and Marcellus Johenning, and ridiculing them with a torrent of biting sarcasm, declared that their inconsistencies and evident falsities “stunk to high Heaven.”

He introduced his thoroughgoing attack upon the Solicitor by the declaration that he still believed implicitly in the innocence of Leo Frank.

“As God is in the heavens above!” he exclaimed dramatically, “I believe that in yonder cell rests an innocent man—as decent a man as my friend Dorsey ever was; as decent a man as I am; as decent a man as Arnold is. If I had a hint of a doubt about it I’d take that brief book of mine and I’d depart forever out of this case.”

### **Similes Are Forceful.**

Rosser talked in the blunt, sometimes rough, language that has made his peculiar type of eloquence a byword of the Atlanta

bar. He frequently used similes and metaphors that would not look well in print. They were, however, always forceful and apt.

“The people whom Mr. Dorsey was representing at the trial, your honor,” he shouted at one point in his address, “were the ones who cheered and cheered in the courtroom at every indication that the State was approaching its goal—the hanging of that young man in the prisoner’s box. They cheered when the filthy testimony oozed from that lousy nigger and your honor felt that you must let it pour over Leo Frank, although he was accused of a crime with which this testimony had nothing to do.”

“But they were not the people, your honor. They were the scattered remnants of the people; they were the scum, and I thank God that they were not the people just as I thank God that the methods used in this case are not the usual methods used in this case are not the usual methods and are not the methods ever used before, and, let us hope, are not the methods that ever will be used again.”

“Let us pray that never again will witnesses be locked up until they are ready to tell the lies that are wanted. If these are people of whom I have spoken are Dorsey’s public, before whom he cringes and bows, then he can take ‘em. That these are the real people, however, I dispute. That the people of Atlanta would meet together in wild huzzas that the life of a fellow being was to be taken by the State I also dispute. These were not the people.”

### **Commiserates With Dorsey.**

“I am not mad at my friend Dorsey. I commiserate with him. I am sorry for him. I state boldly that I’m sorry for him. Mr. Arnold seemed to have an idea that the instincts of a politician had a premature and abnormal growth in the person of Dorsey. I’m not sure, but I’m inclined to agree that he might have got the idea that the huzzas were the huzzas of the people, and that he should bow to the will of this detached mob.”

“He has treated the case extravagantly and illogically all the way through. Innocent and trivial transactions have aroused in his

mind mountains of suspicion and malevolence. There never was a dead shoat so full of maggots as is Dorsey full of words. He defended that man Henslee with words—with five and a half hours of words that proved nothing when they all were said, except that Henslee most certainly needed a defense.”

Rosser paid a great deal of attention to the charges of prejudice against Henslee and Johenning, and represented to the court that the charges had been sustained incontrovertibly.

A “peace conference” between Reuben Arnold and Solicitor Dorsey was the only sign of amity during the hearing. The Solicitor took occasion to deny that he had charged Arnold with deliberate falsehood, as he had been quoted, and Arnold replied that he had taken no umbrage at the published report as he took it for granted that the Solicitor had been misinterpreted.

“My friend Dorsey’s words were charged with dirty insinuations that a slush fund had been collected,” said Rosser. “He sneered at this mythical fund and the effort to lead the jury to believe that huge amounts had been gathered to save Frank from the gallows.”

### **Praises Frank’s Character.**

Rosser reiterated his belief in Frank’s innocence and said that he was as decent a man as the Solicitor ever was or as he himself and Arnold were.

“Through Mr. Arnold,” said Solicitor Dorsey in his closing speech, “the defendant in this case has charged us with all kinds of crimes and treasons. I suggest that Mr. Arnold rid from his mind and heart all of this miasma and putrefaction with which his thoughts evidently are afflicted. He can not be content with any mild remedial measure. His condition will require the most drastic treatment.”

“If he will purge himself of some of the unjust suspicions he has expressed he may regain much of the disinterestedness that goes with a proper perspective. He will regain the esteem of a



highly abused and much maligned public whom h has vilified without measure. Neither his whine nor his snort ever will do it. The public he has maligned knows well enough whether it is the prosecution or the defense that is clean.”

“It is monstrous to assume that old John Starnes is corrupt and a coldblooded headhunter. It is monstrous to assume that Pat Campbell and all the other detectives who worked on the case are corrupt; that all of us are corrupt and merely seeking to convict Frank because of our personal ambitions; that your honor has lost his head; that I have lost mine and that we are simply sending this man to the gallows irrespective of his guilt.”

### **Jurors Are Defended.**

“If Mr. Arnold will exercise a little abstinence from the money of Frank’s ‘poor Brooklyn relatives,’ it may prove a good step toward gaining his erstwhile composure.”

The Solicitor devoted practically the entire day to a defense of A. H. Henslee and Marcellus Jochenning, the jurors charged by the defense with entertaining bias and prejudice toward the defendant before they were selected to sit on the jury. Dorsey described this accusation against Henslee and Jochenning as the only new phase which had arisen since the trial and, consequently, the only one which deserved any extended discussion, as all the others had been settled once and for all when the evidence was offered and accepted and the jury returned its verdict of guilty.

He made vigorous attacks on affiants who swore against the jurors, and ridiculed the idea that either of them had possessed any deep-seated prejudice before the trial. The Solicitor doubted that they had made the remarks credited to them, but read law citations to show that even if they had, the fact did not furnish sufficient ground on which to upset the verdict of the jury.

Dorsey also defended Jim Conley’s testimony on Frank’s alleged conduct with women as perfectly admissible, again citing cases in which evidence of one crime had been admitted in the

record for the purpose of establishing the probability that the defendant was guilty of the crime for which he was on trial.

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**PDF PAGE 2, COLUMNS 1 &  
8**

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**PDF PAGE 2, COLUMN 1  
JUDGE WRITES FRANK  
DECISION**

**PDF PAGE 2, COLUMN 8**

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**ROAN  
WILL**

# **ANNOUN CE FINDING FRIDAY**

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**Lawyers for Factory  
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# **ent Are Prepared for Appeal if Ruling Is Adverse.**

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Judge L. S. Roan was busy Thursday writing his opinion on the granting of a new trial to Leo M. Frank. Although the hearing closed Wednesday afternoon, the judge wished to look over a number of affidavits and the amended motion for a new trial before he announced his decision. It will be known Friday morning whether the man convicted of the strangling of Mary Phagan April 26 in the National Pencil factory will get another chance for his life by the decision of the trial judge.

Judge Roan, as soon as he renders his decision in the matter, will resign from his position on the Stone Mountain circuit and will become a member of the State Court of Appeals, to which bench he was appointed some time ago by Governor John M. Slaton. Judge Ben Hill, now on the appellate bench, will become the judge of the new Atlanta circuit. Solicitor Reid, of the Stone Mountain circuit, will become the presiding judge and George N. Napier, of Decatur, will act as Solicitor General.

## **Fight to Last Ditch.**

An immediate appeal to the Supreme Court of the State will be made by Frank's attorneys in the event the motion for a new trial is denied. Attorney Rosser asserted in his closing argument Wednesday afternoon that he was in the case until he drew his last breath, or so long as his positive conviction in Frank's innocence remained. The lawyer intimated that the fight in the courts would be prolonged until every legal recourse had been

tried. No advantage will be overlooked in the determined battle to save the factory superintendent from the gallows.

His lawyers and his friends maintain their assertions of belief in his innocence and in his absolute guiltlessness of the charges of immoral conduct made against him, accusations which are regarded as having had a large part in obtaining his conviction on the murder charge.

"While I believe in his innocence," said Attorney Rosser, "I shall stand in his defense as long as I live and as long as I have a breath of life."

"There will come a time when the people will wonder how such things could have taken place as have occurred during the trial of this man. Dismiss from your mind, your honor,

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**PDF PAGE 7, COLUMN 1**

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# **PREPARED TO APPEAL**

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**Lawyers Announce  
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**Continued From Page 1.**

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guard of the militia, with bayonets, and rifles standing for the preservation of the courts of justice.”

### **Convicted on Perversion Charge.**

Attorney Rosser made the startling statement to Judge Roan that Frank was not convicted on the evidence that he was tried and convicted solely on the “unsupported and utterly false” tale of perversion that was told by the negro, Jim Conley, on the stand.

“You damned him the instant you brought in that false and filthy testimony,” Rosser shouted at Solicitor Dorsey.

“Degeneracy is the matrix of all crimes. Once instill in the minds of the jurors the idea that a prisoner is a degenerate and they will tumble over themselves in their eagerness to believe him guilty of murder or any other crime in the whole calendar.”

“The law guarantees to a man the privilege of being tried only for the crime with which he formally is charged and on the charge which he is brought into court to answer. The law specifically declares that no evidence may be brought in of an independent, distinct and wholly dissociated crime.”

“Yet this was done in Frank’s case to his extreme injustice and irreparable harm. Crimes were charged against him for which there was no warrant in fact and of which there was no evidence except that of the miserable, lying negro.”

“The testimony was inadmissible. There is no question about that. We believe your honor erred in not ruling it out when the defense made its emphatic objection. That this motion was not made until after the negro had been under cross-examination a day and a half did not diminish the force of the motion in the least, nor did it relieve the court from his duty to have stricken from the record all the testimony of that nature. Your honor, we contend, was led into error, and this furnished more than sufficient grounds in itself for a new trial.”

### **Defends Affidavits.**

Attorney Rosser devoted much of his attention to the manner in which Solicitor Dorsey and the detectives had conducted the investigation into the murder mystery and the prosecution of Frank.

He then shifted to the charges of prejudice and bias which the defense had lodged against the jurors. A. H. Henlsee and Marcellus Jochenning. He spread out the affidavits against these men and declared that in view of the prominence, reputation and character of the affiants there could be no doubt of the truth of the charges.

The lawyer began his address when the hearing opened at 9 o'clock and concluded about 4:49 in the afternoon.

# **PDF PAGE 3, COLUMN 1**

## **ROAN PREPARES FRANK DECISION**

### **PDF PAGE 3, COLUMN 1**

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**FINDING  
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**Continued on Page 2, Column 4.**

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**PDF PAGE 8, COLUMN 4**

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**Continued From Page 1.**

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Solicitor Dorsey and Attorney Leonard Haas, of counsel for Frank, were in conference Thursday morning over the amended motion used as the basis for a new trial for Frank. The work was principally over the suggestions made during the hearing which were incorporated in the motion. A new copy of the bulky document will be made to include these interlineations.

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## **PDF PAGE 4, COLUMNS 1 & 3**

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### **PDF PAGE 4, COLUMN 1**

### ***Roan Keeps Frank Decision Secret***

### **PDF PAGE 4, COLUMN 3**

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# **RULING WILL BE KNOWN FRIDAY**

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Judge L. S. Roan, who is to deliver his decision Friday on a new trial for Leo M. Frank, was given a copy of the amended motion of Frank's attorneys Thursday for his approval.

Judge Roan reviewed the motion Thursday in preparation for the announcement of his decisions, paying particular attention to the allegations of bias against Henslee and Johenning and to a number of legal points involved in the defense's claim of errors.

Some of the leading lawyers of the city who have been following the case expressed the opinion that, disregarding the contention that error had been committed, the defense had established a powerful reason for a new trial in the alleged bias of A. H. Henslee.

### **Chances for New Trial.**

The chances for a new trial on this ground alone, they said, hinged on whether Judge Roan would accept the argument of Solicitor Dorsey that Henslee, even if he made the remarks credited to him by the defense—which the State does not concede—need not have been prejudiced in the sense that he could not go into the jury box with mind open to the evidence, or whether the judge would hold with the defense that Henslee entertained an ineradicable bias against the defendant.

The defense submitted affidavits from well-known citizens in Sparta, Monroe, Albany and Atlanta testifying that the signers had overheard Henslee not only express his belief in Frank's guilt, but roundly denounce him and say that he would like to have a hand in his punishment. There were eleven affiants. Of these, Solicitor Dorsey sought to impeach three.

Attorneys Rosser and Arnold argued that if the Solicitor had been able to find anyone who would swear against the other eight he certainly would have done so.

Prominent residents of the State,

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**Continued on Page 9, Column 1**

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**PDF PAGE 28, COLUMN 1**

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Judge Roan's attitude on this contention will not be known until Friday morning. Any attempt to forecast his final decision at this time is a mere guess, as he will give no hint of his stand in the matter. It is believed that much of his time until he announces his decision will be devoted to a close investigation of this important ground for a new trial.

Judge Roan, is soon as he renders his decision in the matter, will resign from his position on the Stone Mountain Circuit and will become a member of the State Court of Appeals, to which bench he was appointed some time ago by Governor John M. Slaton. Judge Ben Hill, now on the Appellate bench, will become the judge of the new Atlanta Circuit. Solicitor Reid, of the Stone Mountain Circuit, will become presiding judge and George N. Napier, of Decatur, will act as Solicitor General.

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## **PDF PAGE 5, COLUMN 6**

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# **DECISIO N IN FRANK CASE**

# FRIDAY

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Judge L. S. Roan, who has under consideration the motion for a new trial for Leo M. Frank, was in conference Thursday with Judge George L. Bell. Neither would discuss to what extent, if to any, the Frank case had been the subject of their talk.

Judge Bell, when questioned on the matter, said: "There was nothing to it, Judge Roan and myself have been friend's a long time and ours was simply a friendly conversation. There was nothing of an official nature to it."

Judge Roan will make the announcement of his decision Friday morning. He was given a copy of the amended motion Thursday afternoon.

Judge Roan viewed the motion Thursday in preparation for the announcement of his decision, paying particular attention to the allegations of bias against Henslee and Johenning and to a number of legal points involved in the defense's claim of errors.

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Judge Roan, is soon as he renders his decision in the matter, will resign from his position on the Stone Mountain Circuit and will become a member of the State Court of Appeals, to which bench he was appointed some time ago by Governor John M. Slaton. Judge Ben Hill, now on the Appellate bench, will become the judge of the new Atlanta Circuit. Solicitor Reid, of the Stone Mountain Circuit, will become presiding judge and George N. Napier, of Decatur, will act as Solicitor General.

### **Fight to Last Ditch.**

An immediate appeal to the Supreme Court, of the State will be made by Frank's attorneys in the event the motion for a new trial is denied. Attorney Rosser asserted in his closing argument Wednesday afternoon that he was in the case until he drew his last breath or so long as his positive conviction in Frank's innocence remained. The lawyer intimated that the fight in the courts would be prolonged until every legal recourse had been tried. No advantage will be overlooked in the determined battle to save the factory superintendent from the gallows.

His lawyers and his friends maintain their asserts of belief in his innocence and in his absolute guiltlessness of the charges of immoral conduct made against him, accusations which are regarded as having had a large part in obtaining his conviction on the murder charge.

“While I believe in his innocence,” said Attorney Rosser, “I shall stand in his defense as long as I live and as long as I have a breath of life.”

“There will come a time when the people will wonder how such things could have taken place as have occurred during the trial of this man. Dismiss from your mind, your honor, the anarchy which the Solicitor General threatens if another trial is granted. I dispute, your honor, that a new trial would be such a blow to the judiciary that future trials would have to be under the guard of the militia, with bayonets and rifles standing for the preservation of the courts of justice.”

### **Convicted on Perversion Charge.**

Attorney Rosser made the startling statement to Judge Roan that Frank was not convicted on the evidence that he was the murderer of Mary Phagan, but that he was tried and convicted solely on the “unsupported and utterly false” tale of perversion that was told by the negro, Jim Conley, on the stand.

“You damned him the instant you brought in that false and filthy testimony,” Rosser shouted at Solicitor Dorsey.

“Degeneracy is the matrix of all crimes. Once instill in the minds of the jurors the idea that a prisoner is a degenerate and they will tumble over themselves in their eagerness to believe him guilty of murder or any other crime in the whole calendar.”

“The law guarantees to a man the privilege of being tried only for the crime with which he formally is charged and on the charge which he is brought into court to answer. The law specifically declares that no evidence may be brought in of an independent distinct and wholly dissociated crime.”

“Yet this was done in Frank’s case to his extreme in justice and irreparable harm. Crimes were charged against him for which there was no warrant in fact and of which there was no evidence except that of the miserable, lying negro.”

“The testimony was inadmissible. There is no question about that. We believe your honor erred in not ruling I out when the defense made its most emphatic objection. That this motion was not made until after the negro had been under cross-examination a day and a half did not diminish the force of the motion in the least, nor did it relieve the court from his duty to have stricken from the record all the testimony of that nature. Your honor, we contend, was led into error, and this furnished more than sufficient grounds in itself for a new trial.”

### **Defends Affidavits.**

Attorney Rosser devoted much of his attention to the manner in which Solicitor Dorsey and the detectives had conducted the investigation into the murder mystery and the prosecution of Frank.

He then shifted to the charges of prejudice and bias which the defense had lodged against the jurors, A. H> Henslee and Marcellus Johenning. He spread out the affidavits against these men and declared that in view of the prominence, reputation and character of the affiants there could be no doubt of the truth of the charges.

The lawyer began his address when the hearing opened at 9 o'clock and concluded about 4:\$0 in the afternoon.

Solicitor Dorsey and Attorney Leonard Haas, of counsel for Frank, were in conference Thursday morning over the amended motion used as the basis for a new trial for Frank.

The work was principally over the suggestions made during the hearing which were incorporated in the motion. A new copy of the bulky document will be made to include these interlineations.

# **GRAND JUROR IN TALK WITH FRANK**

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**Convinced After Long  
Conversa-**

**tion That Prisoner  
Is Not**

**Degenerate as  
Painted.**

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The first intimate glimpse of the prison life of Leo M. Frank, convicted and sentenced to hang for the murder of Mary Phagan, was given to The Georgian Wednesday by C. L. Elyea, president of the Elyea-Austell Company, prominent business man and member of the Fulton County Grand Jury that was recently asked to indict Jim Conley as an accessory after the fact of the murder.

While voicing his reluctance to inject his personal beliefs and opinions in the case, Mr. Elyea declared positively that after talking with Frank for nearly two hours, he is firmly convinced that the young factory superintendent has been terribly slandered by the attacks that have been made upon his moral character; that the charges of perversion and degeneracy are utterly untrue and that Frank is incapable of the deeds that he is said to have committed.

"I have no hesitation," said Mr. Elyea, "in saying that Leo M. Frank is, in my opinion, as moral a man, and a man with as much strength of character, as there is in the city of Atlanta. No man can talk with him as I did, for an hour and a half, without becoming convinced that the charges of perversion made against him form the most terrible slander ever uttered against a white man. Frank could not be the man he has been painted. He looks you in the eye and talks with a forcefulness and clearness that would not be possible were he the degenerate he has been painted."

### **Made No Preparation.**

Mr. Elyea's conversation with Frank as held at a time when the convicted man was not expecting callers; when he had no time to prepare a set prison speech, and when he had nothing to gain by talking, and Mr. Elyea declared that every word he uttered came from his heart.

"I was struck with the attitude of the man," Mr. Elyea said, "and decided to talk with him. When I entered his apartment I was greeted by an open-faced, perfectly frank individual, whose personality I believe could impress anyone favorably. I am free to

confess that I was influenced by the newspaper reports to believe him to be degenerate of the worst type, but I can not believe, after spending an hour and a half in his presence, that he is the man he has been pictured to the public."

"He talked freely of his case, and impressed me most favorably with his candor and open-hearted manner. I do not believe it possible for anyone who had actually committed such a crime as has been charged with him to conduct himself as Frank conducted himself, with a naturalness that does not seem possible to be affected. He looks you straight in the face, and especially impresses one with his personality."

### **Public Convinced of Guilt.**

"The public was believed that Frank is living in luxury at the jail, which is a mistake. He occupies a cell in one wing of the jail, and is absolutely isolated from anyone. His only especial comfort is a small single iron bed in the center of his cell."

"I believe the public will realize that he has not had the consideration that should be accorded him. There has always been prejudice against the Jew, and yet everyone knows that there is not a class of people on earth who are more law-abiding than the Jews. They may make you sweat in a trade, but they have sense enough to keep out of jail. During the present term of the Grand Jury, I do not recall that a single Jew has been charged with an offense of any kind, and neither did I see a Jew in any convict camp or the county jail, with the exception of Frank; and yet he, a leader of his race, a man of refinement and heretofore unblemished character; a man who has devoted much of his time to charities among his race, and the head of the principal Jewish organization in this city, can not be helped by the Jews because the public will say 'They know he is guilty, but want to save him.'"

### **Should Have Consideration.**

"I do not claim that Frank is innocent, but I do claim that he should have the proper consideration at the hands of the public. No one knows absolutely that he committed the crime, and if he

did not commit it, think of the horrible suffering he has undergone, and the heartaches of his wife and family, and also his race, who believe in his innocence. It is not my purpose to plead his case, other than to express an opinion as to his not being the degenerate that he has been pictured to the public, and I trust that he will yet receive a fair and just trial.”

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## **PDF PAGE 10, COLUMN 1**

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# **RECORDER BROYLES SEES**

# **ABOLITION OF WHIPPING IN HOMES AND SCHOOLS**

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I am in favor of the rod only in cases of absolute necessity in the home.

I do not believe the rod should be tolerated at all in our schools.

If an offending child can be corrected without being whipped it is much better for both child and parent.

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The rod is a relic of barbarism and is destined to be banished from our modern life.

I must admit, however, that the time for its abolishment has not arrived. **-From Recorder Broyles Interview.**

Recorder Nash Broyles is strongly of the opinion that the day is not far distant when corporal punishment for children, both in the home and in school, will be regarded as barbarous, and when the training and correction of youngsters will be accomplished by precent and kind words.

The Recorder has closely studied the question of punishment for children for their varied petty offenses against the discipline of home, and has well defined views on this subject. He expressed these views Wednesday morning in an interview with The Georgian, advancing opposition to the flogging of children as a general proposition.

He referred to the rod as a relic of barbarism," and said he hoped to see the time come in his own day when in reality it would be a mere relic in every sense of the word. He added significantly, however, that this time has not arrived, and that there is yet place in modern, everyday life for this little instrument, regarding the offending juvenile as a pestiferous weapon of oppression.

### **Rod Sometimes Necessary.**

"I am in favor of the rod only in cases of absolute necessity," said Judge Broyles. "This applies to use in the home. I do not believe it should be tolerated at all in our schools."

"There are some instances of infractions of home rules that demand the rod. In some cases, it is not amiss, and, I believe tends to a better of home government. But, in my opinion, a child should not be trashed until kindlier and more humane methods have been thoroughly tested and have proved a failure."

"If an offending child can be corrected and shown the error of its way without being whipped, it is much better for both the

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child and the parents. In many instances, the rod serves only to terrify and cow the child, and install in it an unhealthy fear of its parents. Correction through love and kindness, I believe, is conducive to a much better development of the heart and disposition.”

“In my opinion, it is a mistake to permit corporal punishment in our schools. The teacher has other means by which she can correct a child rather than by the rod, I think a far severer punishment is to keep the child in the schoolroom during recess, while the other children are out in the fresh air romping and playing.”

### **Cites Own Experience.**

“At least, this is the way I felt about it when I was in school I didn’t mind a flogging near as much. The teacher also can impose demerits for any infraction of rules, and this is the moral dread of the average child because of the fear of the consequences at home.”

“If a child becomes so disobedient that a thrashing is the only thing that will suffice, the punishment should be placed in the hands of the parents. I don’t think the teacher should attempt to apply the rod. The teacher could write a note to the parents, explaining the offense of the child and recommending a whipping. If necessary, a rule could be adopted suspending the child until it is shown that the whipping has been administered.”

“The rod is nothing more than a relic of barbarism and is destined finally to be banished from our modern life. I hope to see the time come in my own day when it will not be necessary to flog children, when their plastic natures will yield to kindness, love, and precept—the real humane weapons of correction. I must admit at the same time, however, that this time is not yet here, and that the rod still is found necessary in certain instances.”

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# **GRAND JURY WILL INSPECT CONVICTS**

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**County Courts, Idle  
for Weeks,**

**Will Begin Grinding  
Again**

**Thursday.**

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The courthouse which has been quiescent all week is due for a busy day Thursday when the Grand Jury meets for its final session and when Judge Calhoun's division of the Criminal Court convenes after a three-day rest.

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A committee of the Grand Jury will visit several of the county institutions and convict camps Wednesday afternoon and make their report to the general session Thursday morning.

It is possible that the jury will make its report Thursday to Judge Ellis and be disbanded. Monday morning the new Grand Jury will be organized and will find plenty of work facing it.

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**PDF PAGE 13, COLUMN 4**

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# **GRAND JURY WILL ASK BETTER JAILS**

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Recommendations for improvement in Fulton County institutions and convict camps are expected to be made by the Grand Jury when it makes its presentments to Judge Ellis Friday.

An inspection of the institutions have been made by the Grand Jury, and satisfaction was expressed, except in a few minor things.

The Grand Jury met Thursday morning, but was in session less than an hour. One bill was considered and no action was taken on it.

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## **PDF PAGE 14, COLUMN 6**

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# Grand Jury Will Ask For Better Jails in Fulton

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Recommendations for improvement in Fulton County institutions and convict camps are expected to be made by the Grand Jury when it makes its presentments to Judge Ellis Friday.

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**PDF PAGE 20, COLUMN 1**

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**MRS.  
ATKINSON  
TAKES  
ISSUE**

# **WITH BROYLES**

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**Club Chairman of  
Committee on**

**Education Declares  
Rod Has**

**Never Been  
Useful.**

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Agreeing heartily with Judge Nash R. Broyles that the day is not far distant when corporal punishment for children, both in the home and the school, will be a thing of the past, and that the rod is a relic of barbarism and destined to be abolished from modern life, Mrs. Spencer Atkinson, No. 618 Piedmont avenue, chairman of the committee on education of Atlanta Woman's Club, takes issue with the Recorder in his statement that the time for its abolishment has not yet arrived.

In an interview with The Georgian Thursday Mrs. Atkinson declared emphatically that the time for its abolishment has

arrived; in fact, that corporal punishment should never have been resorted to.

She characterized the rod as being of little value as a corrective measure, because it unnecessarily humiliated the child and exposed him to the ridicule of his fellows. All children, Mrs. Atkinson declared, are capable of being controlled by other and gentler methods.

"I fully agree with Recorder Broyles," said Mrs. Atkinson, "with the exception of his statement that the time for the abolishment of the rod and corporal punishment has not yet arrived. I think that time has always been with us. I do not think there was ever a time when corporal punishment was absolutely essential to the welfare of a child."

"I wish it understood that any opinions I might express on the subject are purely personal, and should not be taken as a reflection of the attitude of the Women's Club, nor as an expression of the opinions of any member of the club. I have no children of my own, and am hardly qualified to speak on corporal punishment in the home."

"I do not, however, favor corporal punishment in the schools, because I do not think it is necessary. The parent has no voice in the selection of a teacher of a public school, and a child under no circumstances should be subjected by such any official to corporal punishment. Whether or not the parent selecting a private teacher should confer upon that teacher the power to inflict corporal punishment upon, the pupil admits of the gravest possible question."

"Whether or not the parent should exercise such authority directly necessarily depends largely upon the temperament of both parent and child. My own opinion is, however, that every child is capable of being controlled by other and gentler methods and such as will neither unnecessarily humiliate it nor expose it to the ridicule of its fellows."

# Fulton Judges to Change Their Rooms

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A change in the courtrooms of the various Atlanta judges will be caused by Judge Ben Hill's taking his seat on the Fulton County Superior Court bench next Monday. Judge Hill will hold court in the room now coupled by Judge Calhoun in the Thrower Building. Judge Calhoun will take the quarters occupied by Judge Bell in the old City Hall Building, Hunter and Pryor Streets.

Judge Hill will find a heavy docket awaiting him and has announced the intention of plunging into it and catching up at the earliest possible moment.